

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JERRY DALE BENNETT,

Plaintiff,

VS.

RONALD W. SMITH and
JOHN GRAHAM,

Defendants.

Case No. 4:13-cv-00399-JHH-SGC

MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on March 28, 2014, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. (Doc. 27.) No objections were filed by plaintiff.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE this 24th day of April, 2014.

James H. Hancock
FOR UNITED STATES DISTRICT JUDGE

SENIOR UNITED STATES DISTRICT JUDGE